



General Assembly

January Session, 2001

***Raised Bill No. 1403***

LCO No. 4594

Referred to Committee on Public Safety

Introduced by:  
(PS )

***AN ACT CONCERNING ADMISSIBILITY OF EVIDENCE OF STOLEN  
VEHICLES AND SEIZED CURRENCY.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1       Section 1. (NEW) In any prosecution for theft of a motor vehicle, a  
2       photograph of the vehicle and sworn affidavit attesting to the vehicle  
3       identification number shall be deemed sufficient evidence to identify  
4       the vehicle in question.

5       Sec. 2. Subsection (b) of section 54-36a of the general statutes is  
6       repealed and the following is substituted in lieu thereof:

7       (b) (1) Whenever property is seized in connection with a criminal  
8       arrest or seized pursuant to a search warrant without an arrest, the law  
9       enforcement agency seizing such property shall file, on forms  
10      provided for this purpose by the Office of the Chief Court  
11      Administrator, an inventory of the property seized. The inventory,  
12      together with the uniform arrest report, in the case of an arrest, shall be  
13      filed with the clerk of the court for the geographical area in which the  
14      criminal offense is alleged to have been committed; except, when the  
15      property is stolen property and, in the opinion of the law enforcement

16 officer, does not exceed two hundred fifty dollars in value, or when an  
17 attempt was made to steal the property but the property at all times  
18 remained on the premises in a sealed container, the filing of an  
19 inventory shall not be required and such property may be returned to  
20 the owner. In the case of property seized in connection with a search  
21 warrant without an arrest, the inventory shall be attached to the  
22 warrant and shall be filed with the clerk of the court for the  
23 geographical area in which the search warrant was issued. If any  
24 criminal proceeding is transferred to another court location, then the  
25 clerk with whom the inventory is filed shall transfer such inventory to  
26 the clerk of the court location to which such action is transferred. (2) If  
27 the seized property is stolen property, within ten days of the seizure,  
28 the law enforcement agency seizing the property shall notify the  
29 owner of the property if known, or, if the owner of the property is  
30 unknown at the time of seizure, such agency shall within ten days of  
31 any subsequent ascertainment of the owner notify such owner, and, on  
32 a form prescribed by the Office of the Chief Court Administrator,  
33 advise the owner of [his] the owner's rights concerning the property  
34 and the location of the property. Such written notice shall include a  
35 request form for the return of the property. The owner may request the  
36 return of the property by filing such request form with such law  
37 enforcement agency, and upon receipt of such request, the law  
38 enforcement agency shall forward it to the clerk of the court for the  
39 geographical area in which the criminal offense is alleged to have been  
40 committed. The clerk of the court shall notify the defendant or  
41 defendants of the request to return the property. The court shall order  
42 the return of the property within thirty days of the date of filing such  
43 return request by the owner, except that for good cause shown, the  
44 court may order retention of the property for a period to be  
45 determined by the court. Any secondary evidence of the identity,  
46 description or value of such property shall be admissible in evidence  
47 against such defendant in the trial of such case. The fact that the  
48 evidence is secondary in nature may be shown to affect the weight of  
49 such evidence, but not to affect its admissibility. (3) If the seized

50 property is currency, the law enforcement agency seizing the property  
51 may deposit the currency in a [safe deposit box in a financial  
52 institution in this state. No funds may be removed from such safe  
53 deposit box unless ordered by the court. The financial institution at  
54 which the safe deposit box is located shall not be responsible for  
55 monitoring activity in the safe deposit box or insuring that the contents  
56 of the safe deposit box are removed in accordance with the  
57 requirements of this subdivision] special account established for the  
58 purpose, after taking reasonable measures to preserve the evidentiary  
59 value of such currency. Any secondary evidence of the identity,  
60 description or value of such currency shall be admissible in evidence  
61 against a defendant in the trial of a criminal offense. The fact that the  
62 evidence is secondary in nature may be shown to affect the weight of  
63 such evidence, but not to affect its admissibility. Any interest earned  
64 by any special account established pursuant to this section shall, unless  
65 otherwise ordered by a judge of the superior court, be deposited in the  
66 Criminal Injuries Compensation Fund established by the Office of  
67 Victim Services pursuant to section 54-215.

***Statement of Purpose:***

To allow a return of stolen automobiles to owners and to allow deposit into an interest-bearing account of seized funds, thereby eliminating costs of storage and providing a revenue source for victim compensation in situations where the interest is unallocated.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*